

## CC Docket No. 02-6

The appeal letter below was submitted to the USAC. The response to this letter was the USAC is not permitted to consider requests for waivers. Therefore, this waiver is being forwarded to the FCC for consideration.

October 23, 2009

### Letter of Appeal

Schools and Libraries Division - Correspondence Unit  
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RE: Application Number : 702803

Funding year 2009 Form 471 Postmarked Outside of Window Letter

**Decision being appealed:** Decision to hold our application pending final review of applications that were filed within the filing window.

Dear Sirs:

The Schools and Libraries Division is well aware of a consulting group called E-rate Consulting (ERC) run by Jonathan Slaughter. The Dermott Public School System had retained the services of this group to file their e-rate application for Funding Year 2009.

During the 2009 Funding Year 471 filing period, ERC collected all the documentation required to file on behalf of the Dermott Public School District. ERC prepared three 471s --one for Priority 1 services and two for Priority 2

services. Draft versions of each were sent to Arneice Gardner with the Dermott School District for review and approval. Please see attached documents "471\_shellfinal\_telecomm.pdf" for Priority 1 services and "471\_shell2.pdf" and "471\_shellSBC" for Priority 2 services.

Dermott responded via email on February 4, 2009 that these applications were as requested and gave ERC (Candace Lackey) permission to file as is. Please see attached document "FW Phone maintenance for erate 2009-2010.msg" confirming their approval and restating the services being requested.

Herein lies the problem. The "471\_shell2.pdf" for Priority 2 services document requested funding for two maintenance agreements -- one from IK Electric and one from Russell's Phone Service. These were services Dermott requested.

However, **ERC did not file for these services.** ERC changed the 471 - 655658 by removing the funding requests for IK Electric and Russell's Phone Service. **This change was made without knowledge or approval from the Dermott Public School District.**

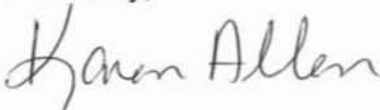
ERC was listed as the contact on the 471 so the RAL and all other correspondence were sent to them. The Dermott School District was only made aware of the changed application when they hired a new consultant in May, 2009, well after the 471 filing deadline.

It is undeterminable if this action was the result of incompetence or fraudulent activity. Based on other ongoing issues with ERC, it was likely the latter. Whichever, Dermott, a 90% district, is missing out on badly needed funding.

471 application 702803 was filed by the new consultant in an attempt to rectify the situation. This is the application that has received the decision to "hold the application pending final review of applications that were filed within the filing window."

We would greatly appreciate it if you would reconsider the current decision.

Sincerely,



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